

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference H1947-01	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/000667	International filing date (day/month/year) 26.01.2004	Priority date (day/month/year) 03.02.2003
International Patent Classification (IPC) or national classification and IPC G02B 5/30, G02F 1/13363		
Applicant NITTO DENKO CORPORATION		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 4 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/000667

Box No. I

Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-51 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 2-10, 12, 14-18, 20-23 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1, 19, 24-30 received by this Authority on 08-10-2004
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/6, 6/6 _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☒ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☒ the claims, nos. 11, 13 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 24-30

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 24-30

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-10, 12, 14-23	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-10, 12, 14-23	NO
Industrial applicability (IA)	Claims	1-10, 12, 14-23	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
Document 1: JP 2003-14928 A (Hayashi Telempu Co., Ltd.), 15 January 2003			
Document 2: WO 99/64924 A1 (Rolic AG), 16 December 1999			
<p>The inventions set forth in claims 1 to 10, 12 and 14 to 18 do not involve an inventive step in the light of document 1 cited in the international search report. Document 1 sets forth a feature wherein an optically anisotropic layer (corresponding to the "phase-difference layer in said claims) tilted and oriented in an arbitrarily defined manner with respect to an optical axis obtained by irradiating with polarized ultraviolet light a film comprising a composition containing liquid crystal compounds formed on a uniaxial refractive index elliptical layer (corresponding to the "optically anisotropic layer" of said claims) without an orienting film. Here, document 1 does not specifically state the specific material for the optically anisotropic layer set forth in claim 1, but unless there are extenuating circumstances, a known material should be selected as necessary by a person skilled in the art, and the polyimide and the like set forth in claims 1 to 10, 12 and 14 to 18 are known, as disclosed in the original</p>			

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

description together with known documents, therefore it would not be difficult for a person skilled in the art to employ this polyimide or the like. Other specific matters disclosed in claims 1 to 10, 12 and 14 to 18 are disclosed in document 1, or are merely matters which could be constituted by a person skilled in the art employing known features as necessary.

The invention set forth in claims 19 to 23 does not involve an inventive step in the light of documents 1 and 2 cited in the international search report. Document 2 sets forth a feature wherein a polymermizable compound comprising a liquid crystal compound and photo-orientable polymer is applied, dried, and irradiated with polarized ultraviolet light to obtain an optically anisotropic layer, and it would be easy for a person skilled in the art to employ the invention set forth in document 2 as an alternative to the optically anisotropic layer set forth in document 1 to constitute the invention set forth in claims 19 to 23 of this application. Moreover, the process of forming an optically anisotropic layer is widely known, as disclosed in known documents JP 2000-511296 A and JP 8-511812 A. Document 2 (example 2, etc.) also sets forth a feature wherein non-polarized infrared light is irradiated. The adhesion of polarizers is a known technique.